



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,381	04/25/2001	David Robert Dudek	TS9243 (US)	8871
23632	7590	07/05/2007		
SHELL OIL COMPANY P O BOX 2463 HOUSTON, TX 772522463			EXAMINER BUCHANAN, CHRISTOPHER R	
			ART UNIT 3627	PAPER NUMBER
			MAIL DATE 07/05/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/843,381

Applicant(s)

DUDEK ET AL.

Examiner

Christopher R. Buchanan

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/19/07

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. In view of the decision given by the Board of Patent Appeals and Interferences on February 21, 2007, prosecution of this application has been reopened. The amendment's submitted by the applicant on March 19, 2007 have been entered and considered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 6, 7, 11, 12, 14, 15, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kondo et al. (US 4,815,633) in view of Chan et al. (US 5,647,391).

Regarding claim 1, Kondo discloses a process for the customization of consumer products that includes the steps of preparing the products according to selections made by a consumer from available options that are shown on a vending system interface (col. 2 line 20+, see Fig. 1), customizing the products from available options for the products shown on the vending system interface (see Fig. 5, Fig. 6B, col. 4 line 48+), selecting the amount of the products from options shown on the vending system interface (col. 7 line 13+, see Fig. 5, supply amount for each ingredient determines

Art Unit: 3627

product amount, well-known to select product amount--small, large, etc.), reconstituting the product with one or more other components (i.e., adding hot water, col. 7 line 13+), and dispensing the customizable product from the vending system into a storage container at a dispense point of the system (col. 4 line 1+, col. 7 line 20+, see Fig. 3).

Note that all selections from available options are considered optional.

The process of Kondo differs from the claimed invention in that the customizable consumer products are not shown to be cleaning products.

Chan discloses a means for measuring the amounts of reactants added to a solution, wherein the solution is a customized cleaning product (col. 1 line 24+).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the process of Kondo to include customizing cleaning products, as taught by Chan, to provide consumers with a simple means of controlling cleaning product characteristics using a vending system. Furthermore, it would have been obvious to one skilled in the art that the process of Kondo could be used to customize a variety of consumer products, not just beverages. The particular consumer product that is customized would be a matter of design choice.

Regarding claim 2, the process of Kondo allows for multiple customization and reconstitution with one or more other components (water, cream, sugar) and dispensing of consumer products. Regarding claim 3, the product is dispensed into a reusable storage container (261, Fig. 3). Regarding claims 6 and 7, the features of the invention recited in these claims has been addressed already in the rejection above. Regarding claims 11 and 12, the vending system is connected to a plurality of interfaces (buttons

Art Unit: 3627

on keypad in Fig. 1) that are capable of being connected to additional vending systems and used to customize products with the additional vending systems. Regarding claims 14, 15, and 18, the system is adapted to use a batch process for handling product orders (see Fig. 6A).

4. Claims 4, 5, 8, 9, 10, 13, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kondo et al. (US 4,815,633) in view of Chan et al. (US 5,647,391) further in view of Partyka et al. (US 5,941,363).

Kondo in view of Chan show all the features of the claimed invention, including the vending system being connected to a plurality of interfaces (buttons on keypad in Fig. 1) that are capable of being connected to additional vending systems and used to customize products with the additional vending systems (claim 13). Regarding claims 16 and 17, the system is adapted to use a batch process for handling product orders (see Fig. 6A).

Kondo in view of Chan do not show a remote means of operating the vending system comprising an electronic communication device (claims 4, 5, 8, 9, 10).

Partyka discloses a system for monitoring multiple remote vending systems that includes a remote means of operating the system comprising an electronic communication device (col. 7 line 4+).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the process of Kondo in view of Chan to include a remote

Art Unit: 3627

means of operating the vending system, as taught by Partyka, to provide users with easier access to the vending system and to enable easier maintenance of the system.

Response to Arguments

5. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Buchanan whose telephone number is 571-272-8134. The examiner can normally be reached on Mon.-Fri. 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CB

 6/21/07
F. RYAN ZEENDER
SUPERVISORY PATENT EXAMINER